

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
JEROME WASHINGTON,

Plaintiff,

-against-

ORDER

12-CV-1452(JS)(ETB)

MICHAEL SPOSATO, et al.,

Defendants.

-----X
APPEARANCES:

For Plaintiff: Jerome Washington, Pro Se
11008788
Nassau County Correctional Center
100 Carman Avenue
East Meadow, NY 11554

For Defendants: Andrew Kenneth Preston, Esq.
Office of the Nassau County Attorney
1 West Street
Mineola, New York 11501

SEYBERT, District Judge:

Pursuant to the Court's June 4, 2012 Order, incarcerated pro se plaintiff Jerome Washington ("Plaintiff") has filed a twenty (20) page, handwritten Amended Complaint pursuant to 42 U.S.C. § 1983 against one hundred and eleven (111) named defendants. Like his original Complaint, the Amended Complaint is largely unintelligible and indecipherable. Though Plaintiff has listed all of the intended Defendants as an attachment to the Amended Complaint, the Court is able to discern that the Amended Complaint includes factual allegations against only about half of those named. Accordingly, the Court dismisses Plaintiff's Section 1983 claims in their entirety against all of the individuals named in his Amended Complaint without prejudice pursuant to 28 U.S.C. §§

1915(e)(2)(b)(ii), 1915A(b)(1) with the exception to those asserted against the following fifty three (53) individuals: Corporal Gregory Lanning, Sgt. McNamara, C.O. Aramani, C.O. Henshaw, C.O. Stephen Coughlin, C.O. Piccoli, Sgt. Simpson Shield #103, C.O. Lawrence Pette, Sgt. Sherren, C.O. McCafferty, C.O. Daugherty, Under Sheriff Hess, C.O. Manikowski, Sgt. Tobin, C.O. Terchia, C.O. Rant, C.O. Ingram, Capt. Smith, Capt. M. Adams, Capt. Rogers, Capt. Ford, Sheriff M. Sposato, Lt. Hartling, C.O. Morhman, Sgt. Ferry Shield # 29, C.O. Incammacia Shield # 2723, C.O. Gross, C.O. Nostradamus, Sgt. Callahan, C.O. Mcfigue, C.O. Kennedy, C.O. Imhof, C.O. McKenna, C.O. Giardino, Sgt. Schimmel, C.O. Camidge, John Doe C.O. Shield # 221, Cpl. McGinnis, Sgt. Drake, Cpl. VonHotten, C.O. Accordine, C.O. Curcio, Under Sheriff Boudieris, Sgt. Gora Shield # 112, Sgt. Ferry Shield # 24, Sgt. McGovern Shield # 110, Sgt. O'Connor, Sgt. Cintron, Sgt. Heinz, Sgt. Braxton, Sgt. Edmund, Dr. Theodore Kay Njemanjyi and P.A./Nurse Humphries.

With regard to these individuals, though hardly a model of clarity, Plaintiff has now alleged specific conduct attributable to each individual listed above sufficient to support a plausible Section 1983 claim. Plaintiff has now described a series of alleged constitutional deprivations, including the dates of these alleged incidents as well as the individuals allegedly involved. For example, Plaintiff alleges that "on or about Nov. 11, 2011, I was assaulted by Corporal Gregory Lanning, Sgt. McNamara Shield #

88, C.O. Aramani, C.O. Henshaw, C.O. Stephen Coughlin, C.O. Lawrence Pette and C.O. Piccoli . . . I was maced with [] pepper spray" Given the relaxed pleading standard afforded pro se litigants, and drawing all inferences in Plaintiff's favor, the Court declines to sua sponte dismiss Plaintiff's Section 1983 claims against the above-named Defendants. Though Plaintiff's ultimate success on all of these claims is dubious, dismissal at this stage -- before the Defendants' response -- is unwarranted.

Accordingly, the Clerk of the Court is directed to issue summonses for each of the above-named fifty-three (53) Defendants, and forward these summonses, the Amended Complaint and this Order to the United States Marshal Service for the Eastern District of New York for service forthwith.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is denied for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962).

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: October 3 , 2012
 Central Islip, New York